No. 79-6779

In the Supreme Court of the United States

OCTOBER TERM 1980

WALTER LITTLE, APPELLANT,

v.

GLORIA STREATER, APPELLEE

APPEAL FROM THE APPELLATE SESSION OF THE SUPERIOR COURT OF CONNECTICUT

JOINT APPENDIX

STEPHEN J. McGOVERN
Assistant Attorney General
P.O. Box 120
Hartford, Connecticut 06101
(203) 566-7720
Counsel for Appellee

JON C. BLUE
Legal Assistance to Prisoners
340 Capitol Avenue
Hartford, Connecticut 06106
(203) 566-2030
Counsel for Appellant

APPEAL DOCKETED JUNE 16, 1980
PROBABLE JURISDICTION NOTED OCTOBER 6, 1980

TABLE OF CONTENTS

	Page
Docket Entries	1
Complaint	3
Motion For Blood Grouping Test In Forma Pauperis	5
Sworn Financial Statement	7
Order	8
Motion For Disclosure And Production	9
Plaintiff's Disclosure & Production	10
Answer	11
Excerpts From Trial Testimony	12
Judgment	20
Finding	22
Correction Of Finding	24
Opinion of the Appellate Session of the Superior Court of Connecticut	25
Order of the Supreme Court of the United States Granting Motion for Leave to Proceed in forma pauperis and Granting Petition for Writ of Certiorari	27

COURT OF COMMON PLEAS
COUNTY OF NEW HAVEN
GEOGRAPHICAL AREA No. 6

Docket No. CV-6-7708-7153 9 PA

GLORIA STREATER

v.

WALTER LITTLE

DOCKET ENTRIES

Dates	Proceedings
[8-10-77]	[Complaint]
* * *	
11-28-77	Motion for Blood Grouping Test in Forma Pauperis
11-28-77	Financial Affidavit filed
* * *	
12-5-77	Motion for Blood Test granted—Not to be paid for by the State of Conn. Melville, J.
12-6-77	Parties notified
* * *	
12-28-77	MOTION FOR DISCLOSURE FILED 12-28-77 BY defts atty ORDER ENTERED 12-29-77 BY CLERK THAT MOTION BE COMPLIED WITH WITHIN THREE WEEKS FROM SAID DATE. COUNSEL NOTIFIED 12-29-77
* * *	
7-24-78	Pltf's Disclosure & Production filed
* * *	
8-15-78	Answer filed
8-18-78	Claim for trial

8-23-78	Over to Sept 28, 1978 Thurs 2PM Mancini, J.
10-4-78	After hearing, the Court finds that the defendant is the father of the child, Kenyatta Chantel Streater. Judgment entered accordingly. Hearing in damages to be held. Schaller
10-5-78	Parties notified
10-5-78	Hearing in Damages on Oct. 16, 1978 at 10 am.
10-11-78	Appl for Relief from payment of fees, costs & expenses on appeal filed
10-11-78	granted Schaller, J.
10-16-78	Financial statement
10-16-78	Jmt to file. Freedman, J.
10-18-78	Jmt filed
10-19-78	Appeal (copies to all parties)

COURT OF COMMON PLEAS
NEW HAVEN

GLORIA STREATER

v.

WALTER LITTLE

JULY 11, 1977

TO THE COURT OF COMMON PLEAS IN AND FOR THE COUNTY OF NEW HAVEN, comes GLORIA STREATER, residing in the Town of New Haven in the County of New Haven and State of Connecticut, and complains and says:

1. For all her life up through the present, she has been a single woman.

2. On May 21, 1975, at New Haven, she gave birth to a male child, Kenyatta, begotten on or about August 21, 1974, at New Haven by WALTER LITTLE of Somers/Enfield, Connecticut.

WHEREFORE, the said GLORIA STREATER prays that this Honorable Court adjudge that said WALTER LITTLE is the father of said child and enter judgment in accordance with the statutes in such cases made and provided.

Dated at New Haven, Connecticut, this 11th day of July, 1977.

/s/ _____
GLORIA STREATER

STATE OF CONNECTICUT
COUNTY OF NEW HAVEN

ss.

NEW HAVEN

July 11, 1977

Personally appeared GLORIA STREATER who, being duly sworn, made oath that the facts stated in the foregoing petition are true.

/s/ _____
PAUL M. SABETTA
Commissioner of the Superior Court

(Entry of appearance, recognizance, and summons omitted in printing.)

COURT OF COMMON PLEAS
G.A. No. 6

No. CV6-71539

GLORIA STREATER

v.

WALTER LITTLE

MOTION FOR BLOOD GROUPING TEST IN FORMA PAUPERIS—NOVEMBER 25, 1977

The Defendant respectfully states:

1. That this case involves a question of paternity.

2. That Conn. Gen. Stat. § 52-184 provides that the Court may order the mother, her child, and the putative father to submit to one or more blood grouping tests, to be made by a qualified physician or other qualified person, designated by the Court, to determine whether or not the putative father can be excluded as being the father of the child.

3. That a blood grouping test provides the principle and most effective defense to a paternity action.

4. That the Defendant, who is presently incarcerated in the Connecticut Correctional Institution, Enfield, is financially unable to pay the cost of a blood grouping test and has no means by which he can raise funds for such a test. (A Financial Affidavit stating Defendant's income, assets, liabilities, and expenses is attached hereto.)

5. That if the Defendant is denied the opportunity to obtain a blood grouping test because of his indigency he will be severely restricted in his ability to defend this action, and that such restriction would deprive him of property without due process of law and deny to him the equal protection of the laws in violation of the Fourteenth Amendment to the Constitution of the United States.

WHEREFORE, the Defendant petitions the Court for an order requiring the Plaintiff and her child to submit to a

blood grouping test by a physician of the Defendant's choice and for a further order that the cost of said tests be paid by the State of Connecticut.

DEFENDANT
WALTER LITTLE

/s/ By: _____
JON C. BLUE
His Attorney

COURT OF COMMON PLEAS, G. A. NO. 6

DOCKET NO. CV6-71539

GLORIA STREATER, PLAINTIFF

v.

WALTER LITTLE, DEFENDANT

Date November 25, 1977

Sworn Financial Statement

Financial Affidavit

Plaintiff ☐ Defendant ☒

* * * * *

V. SUMMARY

A. Total Weekly Net Income (All Sources)	$5
B. Total Cash Value of All Assets	$0
C. Total Liabilities	$0
D. Total Weekly Expenses	$5

VI. CERTIFICATION

I hereby certify that the foregoing statement is accurate to the best of my knowledge and that I can, if requested, submit documentation for all assets, liabilities, and expenses listed above.

/s/ _____

WALTER LEE LITTLE

Affiant

Sworn and subscribed to before me

/s/ _____

JON C. BLUE

Commissioner of Superior Court

November 25, 1977

Date

ORDER

The foregoing motion having been heard and it appearing that it should be granted, it is

ORDERED that the Plaintiff and her child submit to a blood grouping test by a physician of the Defendant's choice, the arrangements for such test to be left to counsel for the respective parties.

ORDERED that the cost of said test not to be paid by the State of Connecticut.

By the Court

/s/ _____

MELVILLE, J.

Assistant Clerk

December 5, 1977

(Certificate of service omitted in printing.)

COURT OF COMMON PLEAS, G.A. #6
AT NEW HAVEN
NO. CV6-71539

GLORIA STREATER

v.

WALTER LITTLE

MOTION FOR DISCLOSURE AND PRODUCTION—DECEMBER 22, 1977

The Defendant in the above-entitled action moves pursuant to § 168 of the Connecticut Practice Book for an order requiring the Plaintiff to file with the Clerk of the Court answers to the following interrogatories. The Defendant respectfully represents that the following information will be of assistance in the preparation of his defense and that said information, if not within the exclusive knowledge or power of the Plaintiff, can be provided by the Plaintiff with substantially greater facility than it could be otherwise obtained by the Defendant. The Defendant, therefore, moves for an order as follows:

A. An order requiring the Plaintiff to answer the following interrogatories and to file said answer with the clerk of the Court:

* * *

57.* State the name of the person or persons who first advised you to institute this paternity proceeding.

* * *

DEFENDANT
WALTER LITTLE
/s/ By: _____
JON C. BLUE
His Attorney

(Certificate of service omitted in printing.)

[*N.B. This is a typographical error. This is the 59th interrogatory and was answered as such.]

SUPERIOR COURT CIVIL DIVISION GA. 6
NEW HAVEN JUDICIAL DISTRICT

NO. CV6-71539

GLORIA STREATER

vs.

WALTER LITTLE

PLAINTIFF'S DISCLOSURE & PRODUCTION—
JULY 20, 1978

Answers to Interrogatories

* * *

59. Plaintiff's continuing eligibility for state assistance required her to disclose father's identity. Case referred to plaintiff's attorney for prosecution by Social Services Dept.

* * *

THE PLAINTIFF

/s/ By _____

PAUL M. SABETTA #52686
138 Orange Street
New Haven, Connecticut 06511
Tel. 562-2322

(Certificate of Service omitted in printing.)

SUPERIOR COURT, G.A. 6
JUDICIAL DISTRICT OF NEW HAVEN

NO. CV6-71539
GLORIA STREATER

v.

WALTER LITTLE

ANSWER—AUGUST 8, 1978

1-2. Defendant is without knowledge or information sufficient to form a belief as to the truth of the averments contained in Paragraphs 1 and 2 of Plaintiff's Complaint and therefore leaves Plaintiff to her proof.

DEFENDANT
WALTER LITTLE

/s/ By: _____

JON C. BLUE
Legal Assistance to Prisoners
340 Capitol Avenue, Room 101
Hartford, Connecticut 06115
Telephone: 566-2030
His Attorney

(Certificate of Service omitted in printing.)

SUPERIOR COURT, G.A. 6
COUNTY OF NEW HAVEN AT NEW HAVEN

(Title omitted in printing.)

September 28, 1978
BEFORE: Hon. BARRY R. SCHALLER, *Judge.*
APPEARANCES:
For the Plaintiff:
PAUL M. SABETTA, ESQ.
For the Defendant:
JON C. BLUE, ESQ.

EXCERPTS FROM TRIAL TESTIMONY

[2] MR. SABETTA: If your Honor please, I think Attorney Blue has a statement for the record.

MR. BLUE: Yes, I just have a statement for the record, your Honor, concerning the one ground of appeal that might be taken from this case if the plaintiff should prevail. Last November, I believe on November 25, I filed a motion for a blood test and state payment therefore in this case on behalf of Walter Little, the defendant in this case. On December the 5th Judge Melville ruled our motion for a blood test would be granted, but our motion for the test to be paid for by the State of Connecticut was denied. Mr. Little was and still is in the state prison at Enfield and has virtually no income and no assets whatsoever and was simply not able to afford the blood test. So I want a statement for the record in case there should be a subsequent appeal. Even though the motion for a blood test was granted, for financial reasons no blood test has ever been taken.

THE COURT: All right. I am not quite certain what you are doing at this point. You are stating it, but are you renewing a motion to have a blood test?

MR. BLUE: Well, of course, if your Honor were to grant our renewed motion out of the goodness of his [3] heart, we would be very gratified. I assume you won't. The motion has been argued and lost, but I just want it stated for the record in case there should be an appeal and

some appellate judge should later question, because it has been so long, it has been nine months since the motion was denied, that in fact no blood test has ever been taken. I think I would be remiss in my duty to my client if I just didn't get that on the record.

THE COURT: Well, are you asking me to rule on it or not?

MR. BLUE: I am not renewing my motion.

THE COURT: You are not renewing the motion.

MR. BLUE: The motion has been argued and lost, and I assume in light of that, a renewed motion would be an exercise in futility because it has been argued and lost. I wanted the facts clear for the record

THE COURT: All right. On that basis they are noted.

MR. SABETTA: If your Honor please, one other comment I would like to make, with respect to the complaint and the action, there is some minor variances, and fortunately I just recently picked them up. I would ask the Court's indulgence that I may file an [4] amended pleading with respect to the fact that the complaint now states the child is a male child which is incorrect. It is a female child.

In addition, the child was begotten at a date somewhat later in time than the one indicated on August 21 of '74. The testimony will bring that out. Counsel has been apprised of it through the motion for discovery and production which he has filed, and he is aware of the variances in the pleading as on record.

THE COURT: All right.

MR. BLUE: That's correct, your Honor, and I certainly have no objection to an amendment.

THE COURT: You are not filing an amended complaint at this point. You are simply noting there will be some variances?

MR. SABETTA: That's correct.

THE COURT: All right.

MR. SABETTA: I will call Gloria Streater to the stand.

GLORIA STREATER, 198 Hamilton Street, New Haven, Connecticut, was called as a witness in her own behalf, and having been duly sworn, testified as follows:

[5] DIRECT EXAMINATION

BY MR. SABETTA:

Q Mrs. Streater, are you a recipient of state aid?

A Yes.

Q How long have you been on state aid?

A Since around 1970.

Q 1970?

A Uh h'm.

Q Do you have a female child now in your home?

A Yes.

Q What is her name?

A Kenyatta Chantel Streater.

Q What is the date of birth of that child?

A May 21, 1975.

Q Where was she born?

A Yale-New Haven Hospital.

Q Here in New Haven.

A Yes.

Q How long have you lived in New Haven?

A I lived here about twenty years I guess.

Q Now, you have testified that she was born in May of '75. Were you on state aid at that time?

A Yes.

Q And as one of the requirements of your continuing on [6] state aid, were you required to give the name of the father of that child?

A Yes.

Q What name did you give the representative from Social Services Department?

A I gave Walter Little.

Q Is Walter Little in this courtroom today?

A Yes.

Q Could you point him out to his Honor?
(The witness points.)

MR. SABETTA: May the record indicate that she has pointed to the defendant seated next to counsel.

THE COURT: Yes. That's the person you are pointing to.

THE WITNESS: That's him, yes.

THE COURT: The record may so note.

(Whereupon, the witness continued her examination.)
(There follows an excerpt of later testimony in the trial:)

WALTER LITTLE, Box G, Enfield, Connecticut, the defendant, was called as a witness in his own behalf, and having been duly sworn, testified as follows:

DIRECT EXAMINATION

BY MR. BLUE:

Q Mr. Little, you are the defendant in this action?

[7] A Yes, I am.

Q When did you first learn of this action?

A Last year.

Q Was it in July or August of 1977?

A August '77.

Q August of 1977. Do you know the plaintiff Gloria Streater?

A Yes, I do.

Q Just for the record, can you point her out in this courtroom?

A She is right there.

MR. BLUE: The record may show that he pointed at the plaintiff Gloria Streater.

THE COURT: All right. So noted.

Q Could you tell the Court what your relationship with Miss Streater was during the years 1973 and 1974 in your own words?

A Yes, sir. We met during my incarceration at Somers Correctional Institution. We began corresponding, visiting, et cetera. And when I had furloughs we saw each other.

Q You have heard Miss Streater's description of your relationship with her, excluding any consideration of other possible friendships she may have had. Was her description of your relationship with her during 1973 and 1974 substantially [8] accurate?

A Yes, it was.

Q In the fall of 1974 how often did you see Miss Streater?

A Well, I was in school at the University of Hartford, and I was only able to get down to New Haven occasionally, and maybe I made it down on the weekends, not every weekend, but possibly every other weekend.

Q This is during the academic year?

A Yes.

Q For the record, when were you released from Somers during 1974?

A Well, actually I was released around April.

Q Of '74?

A Of '74, at which time I entered the Halfway House. I remained at the Halfway House until August of '74.

Q I see.

A And I was seeing her at that time occasionally.

Q Okay. During September of 1974, so far as you can recollect, how often did you see her?

A During—

Q September of 1974, just as best you can remember.

A I didn't see her at all during September.

Q You didn't see her at all during September. Did you see her during October?

[9] A No, I didn't.

Q Did you see her during November?

A Yes, I did.

Q How often did you see her in November?

A I saw her once in November. Once in November.

Q Was that on or about November 1st, 1974 as she has testified?

A On or about. On or about.

Q Did you have sexual relations at that time?

A Yes, I did.

Q Have you had sexual relations with her since that date?

A No, I haven't.

Q And you have testified that you did not see her at all during the months of September and October?

A No. Correct.

Q 1974. So after the summer of 1974 had passed, the one and only time you had sexual relations was during early November of 19—

A Correct.

Q —1974. And you don't deny that—

A No, I don't.

Q —for the record. Then just so the judge can understand your feelings about his matter, why is it you don't [10] admit paternity?

A Pardon me?

Q Why is it that you haven't admitted you are the father of this child?

A Well, I have called Miss Streater on numerous occasions prior to this present incarceration, you know, and I have asked her on numerous different occasions if I can come to New Haven and in fact see this child, and she told me no on each occasion. So after I got the paternity suit, I was at that time incarcerated. I asked her if she would bring the baby up so that I could see the child. No response. I received no response from her since then.

Q Is there any doubt in your mind that you are the father?

A There is a lot of room for uncertainty here because I mean, if the child is mine, of course I want to support her. I want to take care of it, but there is too much doubt in my mind at this point and time.

Q Why do you have that doubt just so that the Court could know?

A Well, because of her relationship with Mr. Fern, because of the fact that I have never seen the child and I don't think any man in his right mind would sign the papers for a child he has never seen. So this is my reason for not signing the paper that they want me to sign.

[11] Q Mr. Little, for the record, and you have testified that you learned of this suit in August of 1977 approximately. Where were you at that time?

A I was incarcerated.

Q At which institution?

A The Enfield Correctional Institution.

Q Have you been incarcerated since the summer of '77? Have you been incarcerated in Somers?

A No, I have not.

Q So since the summer of '77 have you been incarcerated in an institution where Mr. Fern and Mr. Shelton were?

A No, I have not.

Q So you have never talked to them about this case at all, and have you ever had an opportunity to talk to them about this case?

A No, I have not.

Q Because do you for the record—I don't know if the Court—how familiar the Court is with the prison arrangements in Connecticut. Are Somers and Enfield entirely distinct institutions?

A They are separate and distinct, right.

Q When a person is incarcerated in Enfield, he has no occasion typically to go to Somers or meet anyone who is incarcerated in Somers?

[12] A On occasion he is apt to go down there for medical reasons, you know, school reasons, educational reasons or whatever, but at that time he is usually kept separate from the mainstream population.

Q I see. So how do you know Mr. Fern and Mr. Shelton?

A I met them when I first went to prison in '77.

Q Did you know them in New Haven at all?

A No, I didn't. I never met them until I went to prison.

MR. BLUE: I have no further questions.

(Reporter's certificate omitted in printing.)

SUPERIOR COURT—CIVIL DIVISION GA
JUDICIAL DISTRICT OF NEW HAVEN
STATE OF CONNECTICUT

NO. CV6-71539

GLORIA STREATER

v.

WALTER LITTLE
Present Hon. Freedman, Judge

JUDGMENT—OCTOBER 16, 1978

This paternity action by duly verified writ, summons and complaint dated July 11, 1977, came to this Court on September 28, 1978 when the defendant appeared and the parties were heard as on file and thence to October 16, 1978 when a hearing in damages was conducted by this Court.

The Court, having heard the evidence as on file, finds the issue of paternity in favor of the plaintiff.

Whereupon, it is adjudged that the defendant, Walter Little is the father of the plaintiff's minor child: KENYATTA CHANTEL, born May 21, 1975 and that said defendant is liable for the following sums as reasonable maintenance and support and for costs and attorney's fees as allowed by statute:

Lying-in expenses of the plaintiff and said minor child:	$	852.02
Accrued Maintenance from 5/21/76 to 10/31/78:	$	5,790.26
Costs of suit plus reasonable attorney's fees:	$	332.20
TOTAL	$	6,974.48

It is further adjudged and ordered that the defendant pay child support at the rate of $2.00 per/month, said weekly/monthly amount to be allocated as follows: $1.00 per/month toward said arrearage amount of $6,974.48 and $1.00 per/month toward the current monthly award of $163.58.

Said weekly/monthly payments shall be made to the Department of Finance & Control, State of Connecticut, 76 Meadow Street, East Hartford, Connecticut 06108, commencing November 1, 1978.

BY THE COURT

/s/ _____

FREEDMAN
Judge

SUPERIOR COURT APPELLATE SESSION
NEW HAVEN JUDICIAL DISTRICT

NO. CV6-71539

GLORIA STREATER

v.

WALTER LITTLE

FINDING—JANUARY 31, 1979

QUESTIONS TO BE REVIEWED

1. Did the court err in denying Appellant's Motion that the cost of blood grouping tests be paid by the State of Connecticut?

FACTS PROVEN

2. The Appellee, Gloria Streater, instituted this action on July 11, 1977, seeking a judgment that the Appellant, Walter Little, is the father of a female child, Kenyatta Chantel Streater, to whom Appellee gave birth on May 21, 1975.

3. Appellant conceded that in Connecticut a paternity action such as brought by the Appellee is a civil action.

4. Appellant was at the time of this motion incarcerated in the Connecticut Correctional Institution, Enfield.

5. The Appellant's financial affidavit which was on file at the time of this motion indicated he had no assets.

6. The Appellant's financial affidavit indicated weekly income and expenses of five ($5.00) dollars.

CONCLUSIONS REACHED

7. A paternity action in the State of Connecticut is a civil action.

8. At the time of Appellant's motion he was indigent and could not afford to pay the costs for blood grouping tests.

9. There was no evidence offered of any degree of correlation between the number of putative fathers submitting themselves for blood grouping tests and the number scientifically excluded by such tests.

10. Appellant's motion for blood grouping tests was granted.

11. Appellant's request that the State of Connecticut pay the costs of such blood grouping tests was denied.

CLAIMS OF LAW MADE AND RULINGS OF THE COURT THEREON

12. Because of his indigency, Appellant was entitled by the Fourteenth Amendment to the Constitution of the United States to an order that the costs of a blood grouping test be paid by the State of Connecticut.

13. Request for costs denied. The denial to an indigent person of the costs of procuring a blood grouping test in a civil paternity action in the absence of a showing of a strong correlation between the number of putative fathers submitting themselves for testing and the number scientifically excluded by such tests does not constitute a denial of due process within the meaning of the Fourteenth Amendment to the Constitution of the United States.

BY THE COURT:

/s/ _____

MELVILLE, J.

APPELLATE SESSION OF THE SUPERIOR COURT
NEW HAVEN JUDICIAL DISTRICT

NO. 806

GLORIA STREATER

v.

WALTER LITTLE

CORRECTION OF FINDING—MARCH 13, 1979

The following corrections of the Finding are made:

A. by adding to the section entitled "Facts Proven" this paragraph:

6a. There was no evidence offered of any degree of correlation between the number of putative fathers submitting themselves for blood grouping tests and the number scientifically excluded by such test.

B. by deleting from the section entitled "Conclusions Reached" paragraph nine thereof.

Except for the foregoing corrections, further corrections of the finding are refused.

BY THE COURT:

/s/ _____
MELVILLE, J.

APPELLATE SESSION OF THE SUPERIOR COURT

December, 1979, at Hartford

A.S. 806

GLORIA STREATER

v.

WALTER LITTLE

Argued: December 19, 1977

Decided: February 29, 1980

Paternity action brought to the Court of Common Pleas in New Haven County where the court, *Melville, J.*, granted the defendant's motion for a blood grouping test but ordered the cost of such test not to be paid by the state; the court, *Schaller, J.*, adjudged the defendant to be the father of the plaintiff's minor child and the defendant appeals. *No error.*

Jon C. Blue, for the appellant (defendant).

Stephen J. McGovern, assistant attorney general, for the appellee (state).

PER CURIAM. This case presents for the third time before this court the question of whether in a paternity proceeding General Statutes § 46b-168, which makes the costs of blood grouping tests chargeable against the party moving for such tests, violates the due process and equal protection rights of an indigent defendant in such a proceeding. In *Ferro* v. *Morgan*, 35 Conn. Sup. 689, *cert. denied*, 177 Conn. 753, 399 A.2d 526 (1979), we addressed and specifically rejected these constitutional claims. In *Knox* v. *Siddell*, Conn. Sup. (App. Sess. No. 734, Decided March 16, 1979), we again considered these claims and as an alternative ground ruled that our decision was controlled by *Ferro* v. *Morgan*, supra. No new arguments or authorities have been presented to us in this case which would persuade us to come to a different result.

There is no error.

PARSKEY, D. SHEA and BIELUCH, Js., participated in this decision.

Date of Judgment—February 29, 1980
Counsel Notified—February 29, 1980
Alfred J. Gaicfolo
Assistant Clerk
Appellate

Supreme Court of the United States

No. 79-6779

WALTER LITTLE, APPELLANT,

v.

GLORIA STREATER

ON CONSIDERATION of the motion for leave to proceed herein *in forma pauperis*, it is ordered by this Court that the motion to proceed *in forma pauperis* be, and the same is hereby, granted.

APPEAL from the Appellate Session of the Superior Court of Connecticut.

The statement of jurisdiction in this case having been submitted and considered by the Court, in this case probable jurisdiction is noted.

October 6, 1980

☆U.S. GOVERNMENT PRINTING OFFICE: 1980 331731 112